

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

Taylor

Plaintiff)
Vs.)
) # 1:24-cv-00880
)
Defendant)



MEMORANDUM SUPPORTING RECUSAL

INTRODUCTION

This memorandum is in support of the Honorable Judge Alston. Plaintiff very respectfully seeks recusal.

LAWS

28 U.S.C §455 may apply here:

“Any justice, judge, or magistrate judge of the United States shall disqualify himself in any proceeding in which his impartiality might reasonably be questioned” 28 U.S.C. § 455 (a)¹.

ARGUMENTS

1. The Honorable Judge Alston should recuse himself because his impartiality is reasonably questioned given his involvement in Case No. 1:22-cv-1153.

¹ The provision from 28 U.S.C. § 144 may also apply here. Additionally, 28 U.S.C. § 455 (b)(1) may apply as well.

There is a timeliness aspect to judicial recusal in the 4th Circuit. *KOLON INDUSTRIES v. EI DuPont de Nemours & Co.* 748 F. 3d 160 - Court of Appeals, 4th Circuit, 2014. Although the case law is not exact, I have not delayed in filing this recusal.

Judge Alston is presiding over the docket of Case No. 1:22-cv-1153. I am seeking to amend this complaint where the Defendant is the Court, based upon the processing of docket of 1:22-cv-1153. Given Judge Alston is presiding over that case, it would be inappropriate for Judge Alston to remain presiding over this matter, # 1:24-cv-00880.

No doubt- Judge Alston has personal knowledge of the proceeding from 1:22-cv-1153. To remain presiding over the case here would be exactly like trying to sue person #A where person #A is the judge. *See United States v. DeTemple, 162 F.3d 279, 286 (4th Cir.1998).*

It's also noteworthy that Judge Alston cancelled my request for a hearing with the magistrate judge on the amendment, without even seeing the proposed amended complaint...

CONCLUSION

For the aforementioned, Plaintiff very respectfully seeks recusal of the Honorable Judge Alston.

CERTIFICATES & WAIVER

A. Truthfulness

I certify under penalty of perjury under the laws of the United States of America that the foregoing is true and correct and Plaintiff served Defendant with a copy of this document on the same day.

B. Ghost Writing

I certify under penalty of perjury under the laws of the United States of America, pursuant to Local Rule 83.1(M), no attorney has prepared, or assisted me in the preparation of this document.

C. WAIVER

Plaintiff waives oral argument.

Date: December 11, 2024

Very Respectfully,

Printed Name: Danielle Taylor

Signed Name: 